

## REMARKS

Applicants request favorable reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Claims 1-60 are pending in the present application, with Claims 15-23, 38-46, and 48 being withdrawn from consideration. Claims 1, 6, 7, 10, 12, 14, 24, 29, 30, 33, 37, 35, 47, 49-52, 54-58, and 60 being the independent claims remaining under consideration.

Claims 1, 2, 6, 7, 10, 12, 14, 24, 25, 29, 30, 33, 35, 37, and 47 have been amended and Claims 49-60 have been added.

Applicants appreciate the indication that Claims 6, 7, 10, 12, 13, 29, 30, 33, 35, and 36 have been objected to but would be allowable if rewritten in independent form, and that Claims 14 and 37 would be allowable if rewritten in independent form and amended to overcome the rejection under Section 112, second paragraph. Claims 6, 7, 10, 12, 14, 29, 30, 33, 35, and 37 have been rewritten in independent form, and Applicants submit that they are now allowable.

Further, Applicants submit that new Claims 49, 50, 51, 52, 54, 55, 56, 57, 58, and 60 substantially incorporate the features of prior Claims 6, 7, 10, 12, 14, 29, 30, 33, 35, and 37 and therefore should also be allowable.

Claims 1-14, 24-37, and 47 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended the claims in view of the Examiner's comments and submit that the Examiner's objections have been overcome. Accordingly, Applicants request favorable reconsideration and withdrawal of this rejection.

Claims 1-3, 5, 8, 9, 11, 24-26, 28, 31, 32, 34, and 47 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,348,953 (Rybczynski). Claims 4



and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rybczynski and U.S. Patent No. 6,483,540 (Akasawa, et al.). Applicants respectfully traverse these rejections for the reasons discussed below.

As recited in independent Claim 1, the present invention includes, *inter alia*, the feature of correcting a first image based on photographing condition information of the first image. With this feature, when a main subject of a photograph having an arbitrary shape has been eliminated from a background image portion by image input means at the time of photographing, the background image portion can be accurately specified without being influenced by a background image pattern, an illumination condition, etc. Independent Claims 24 and 47 recite a similar feature. Applicants submit that the cited art fails to disclose or suggest at least this feature.

Rybczynski discloses an apparatus and method that can compose a foreground image and a background image into one composite image with natural optical appearance. However, that patent does not disclose or suggest at least the feature of correcting the first image based on photographing condition information of the first image.

Akisawa et al. fails to remedy the above-noted deficiencies. Therefore, Applicants submit that Claims 1, 24, and 47 are patentable over the cited art.

The remaining dependent claims are patentable for at least the same reasons as the claims they depend from, as well as for the additional features they recite.

For the foregoing reasons, Applicants submit that this application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-mentioned Office Action, and an early Notice of Allowance are requested.



Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. L. Klock', written over a horizontal line.

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